IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TENNESSEE NORTHERN DIVISION

| GARY W. BAILEY, | § | |
|---------------------------|---|---------------------|
| | § | |
| Plaintiff, | § | No.: 3:09-CV-548 |
| | § | Jury Trial Demanded |
| VS. | § | |
| | § | |
| CSX TRANSPORTATION, INC., | § | |
| | § | |
| Defendant. | § | |

STIPULATION OF DISMISSAL

Pursuant to Rule 41(a)(1)(ii), comes the Plaintiff, and by agreement with counsel for the Defendant, stipulates a dismissal of his action against the Defendant.

It is further understood and agreed by all parties that this Stipulation of Dismissal, dismisses this case against the Defendant, with full prejudice, with each party to bear their own discretionary costs.

United States District Court Judge

Thomas H. Phillips

APPROVED FOR ENTRY:

COOK, HALL & LAMPROS, LLP

S/ Andrew Lampros, Esq., BPR # 020167 Attorney for Plaintiff Promenade Two, Suite 3700 1230 Peachtree Street, N.E. Atlanta, Georgia 30309 (404) 876-8100

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